

House Bill 338 (AS PASSED HOUSE AND SENATE)

By: Representatives Warren of the 122<sup>nd</sup>, Jenkins of the 8<sup>th</sup>, Burns of the 157<sup>th</sup>, Williams of the 165<sup>th</sup>, Mosley of the 178<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to provide for certain matters relating to game and fish violations; to specify a date certain for rules and regulations of the Board of Natural Resources used to establish game and fish criminal violations; to change certain provisions relating to legal weapons for hunting wildlife generally; to change certain provisions relating to unlawful use of certain substances and equipment in hunting game animals or game birds; to define a term; to prohibit computer assisted remote hunting; to provide punishments for violations; to provide for forfeiture of certain equipment used in the commission of crime; to prohibit the importation of live cervids into this state; to prohibit the importation or possession of certain whole cervid carcasses or cervid carcass parts; to define certain terms; to provide penalties for violations; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by striking Code Section 27-1-39, relating to rules and regulations of the Board of Natural Resources used to establish game and fish criminal violations, and inserting in lieu thereof the following:

"27-1-39.

Notwithstanding any other law to the contrary, for purposes of establishing criminal violations of the rules and regulations promulgated by the Board of Natural Resources as provided in this title, the terms 'rules and regulations' shall mean those rules and regulations of the Board of Natural Resources in force and effect on ~~October 1, 2003~~ January 1, 2006."

**SECTION 2.**

Said title is further amended in Code Section 27-3-4 of the Official Code of Georgia Annotated, relating to legal weapons for hunting wildlife generally, by striking paragraph (2) and inserting in lieu thereof the following:

"(2) During primitive weapon hunts or primitive weapons seasons, longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of .44 caliber or larger ~~with iron sights only and without telescopic sights,~~ and muzzleloading shotguns of 20 gauge or larger loaded with single shot may be used;"

**SECTION 3.**

Said title is further amended by striking Code Section 27-3-12, relating to unlawful use of certain substances and equipment in hunting game animals or game birds, and inserting in lieu thereof the following:

"27-3-12.

(a) It shall be unlawful to hunt any wild animal, game animal, or game bird by means of drugs, poisons, chemicals, smoke, gas, explosives, recorded calls or sounds, or recorded and electronically imitated or amplified sounds or ~~imitations of calls or sounds~~ calls. It shall also be unlawful to use electronic communications equipment for the purpose of facilitating pursuit of any wild animal, game bird, or game animal.

(b)(1) As used in this subsection, the term 'computer assisted remote hunting' means the use of a computer or other device, equipment, hardware, or software to control remotely the aiming and discharge of a firearm or other weapon so as to allow a person not holding that firearm or other weapon to hunt or shoot a wild animal or any wildlife.

(2) It shall be unlawful for any person, firm, partnership, or association to engage in computer assisted remote hunting or provide or operate a facility that allows others to engage in computer assisted remote hunting if the wild animal or wildlife being hunted or shot is located in this state.

(3)(A) Any person violating the provisions of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and upon conviction thereof shall be punished by a fine of not less than \$1,000.00 and not more than \$5,000.00, imprisonment for a term not to exceed 12 months, or both such fine and imprisonment.

(B) Any equipment used or intended for use in a violation of this Code section, excluding motor vehicles, is declared to be contraband and shall be forfeited to the state.

(C) The hunting and fishing privileges of any person convicted of violating this subsection shall be suspended for three years."

**SECTION 4.**

Said title is further amended by adding a new Code section to read as follows:

"27-5-2.1.

(a) As used in this Code section, the term,

(1) 'Cervid' means a member of the family cervidae.

(2) 'Chronic wasting disease' means a fatal disease that belongs to a group of diseases known as transmissible spongiform encephalopathies and that affects the brains of cervids.

(3) 'Clean' means having no meat matter or tissue attached to the carcass part.

(4) 'Importation' means the transportation of a cervid, cervid carcass, or carcass part into this state.

(5) 'Whole' means the entire carcass, whether eviscerated or not, prior to the carcass being processed.

(b)(1) It shall be unlawful for any person, firm, partnership, or association to import, bring, or cause to be imported or brought into this state any live cervid, except as otherwise authorized by rule or regulation of the board in effect as of January 1, 2007, or such later date as may be provided by Code Section 27-1-39.

(2)(A) Any person who violates paragraph (1) of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and upon conviction shall be punished by a fine of not less than \$1,500.00 nor more than \$5,000.00, imprisonment for a period not exceeding 12 months, or both such fine and imprisonment.

(B) The hunting and fishing privileges of any person convicted of violating paragraph (1) of this subsection shall be suspended for not less than three years from the date of conviction.

(c) It shall be unlawful for any person to import or possess a whole cervid carcass or cervid carcass part from any state having a documented case of a cervid infected with chronic wasting disease, except for any one or more of the following cervid carcass parts:

(1) Boned-out meat and commercially processed cuts of meat;

(2) Portions of meat with no part of the spinal column or head attached;

(3) Hides with no heads attached;

(4) Clean skull plates with antlers attached;

(5) Clean antlers;

(6) Finished taxidermy heads; and

(7) Clean upper canine teeth (buglers, whistlers, ivories)."

**SECTION 5.**

(a) Except as otherwise provided by subsection (b) of this section, this Act shall become effective on July 1, 2006.

(b) Section 4 of this Act shall become effective on July 1, 2006, for purposes of promulgating rules and regulations and on January 1, 2007, for all other purposes.

**SECTION 6.**

All laws and parts of laws in conflict with this Act are repealed.